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APR 28 2010

OFFICE OF PETITIONS

**WILLIAM C. MILKS, III
401 FLORENCE STREET
PALO ALTO CA 94301**

In re Application of :
Christophe PIERRAT, et al :
Application No. 10/616,603 : DECISION ON PETITION
Filed: July 10, 2003 :
Attorney Docket No. FTIS 1001-1 :
:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 12, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, October 7, 2005, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 8, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1620; and (3) an adequate statement of unintentional delay.

This application has been abandoned for an extended period of time. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting the statement of unintentional delay pursuant to 37 CFR 1.137(b)(3).

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center AU 1756 for appropriate action by the Examiner in the normal course of business on the reply received February 12, 2010.

/dcg/

Diane C. Goodwyn
Petitions Examiner
Office of Petitions